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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,833	03/13/2004	Rodney W. Wilson	1348	8473
40313	7590	02/22/2007		
DAVID J. ARCHER 7037 POMERY ROAD ROCKTON, IL 61072			EXAMINER PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/799,833	Applicant(s) WILSON, RODNEY W.	
	Examiner Joseph L. Perrin, Ph.D.	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-17 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. It is noted that an Information Disclosure Statement under 37 CFR 1.97 for the present application has not been received by the Office. If Applicant believes this to be in error, Applicant is urged to submit documentation supporting a proper filing of any previously submitted information disclosure statements in order to have such disclosures considered by the Office.

Drawings

2. The drawings are objected to because Figure 2 does not clearly distinguish between the structural components and their reference numeral making it difficult to ascertain the structural configuration of the claimed invention. That is, the multiple parallel lines of the structure and lines of the reference numerals all essentially of the same thickness make distinguishing the structures and interpreting the structural configuration difficult. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

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and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4 & 8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,034,389 to HUSS. HUSS discloses an apparatus comprising a frame disposable in a tank (1), the frame including first and second wall plates (26) arranged in parallel, plural pairs of first and second rollers (21/22) each having a rotational axis extending through the walls (see Figure 3), the rollers configured to counter rotate to squeeze the article worked upon thereinbetween when submerged in the tank; bolts (27) at the edge of the wall plates which read on the claimed "first ear" and "second ear" of a first wall and "first extension" and "second extension" of a second wall, the rollers being coupled by intermeshing gear teeth (col. 5, lines 35-51) and driven by known

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drive means (two common knowledge drive means include manual crank and motor) (col. 4, lines 55-59). Regarding the recitation of "tile sponge" and the use thereof, this recitation is a statement of intended use which does not patentably distinguish over HUSS since HUSS meets all the structural elements of the claim(s) and is capable of washing tile sponges if so desired. See MPEP 2114.

5. Claims 1, 3 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,327,740 to BALTAZAR. BALTAZAR discloses an apparatus comprising a frame (24) having first and second walls with first and second rollers (36/38) disposed thereinbetween, the walls being planar, parallel and having sides and edges, and a manual crank (46) for rotating the rollers (see entire document, for instance, Figures 2 & 4 and relative associated text). Regarding the recitation of "tile sponge" and the use thereof, this recitation is a statement of intended use which does not patentably distinguish over BALTAZAR since BALTAZAR meets all the structural elements of the claim(s) and is capable of washing tile sponges if so desired. See MPEP 2114.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2 & 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over BALTAZAR in view of U.S. Patent No. 4,159,632 to GRANTHAM. Recitation of BALTAZAR is repeated here from above. Re claims 4-5, BALTAZAR further discloses the frame walls having structures readable on "ears" and "extensions", as well as such configuration capable of support on the rim of container (12). Re claim 2, while BALTAZAR discloses "variations in size, materials, shape, form, function and the manner of operation" (col. 4, line 41 *et seq.*), BALTAZAR does not expressly disclose the material of the frame. GRANTHAM teaches that it is well known in the cleaning art to use stainless steel as the material for cleaning systems which use substantial amounts of water and other chemicals for the purpose of avoiding corrosion (col. 1, lines 45-49). The position is taken that it would have been obvious and well within the level and skill of one having ordinary skill in the art at the time the invention was made to construct the apparatus of BALTAZAR of stainless steel for the well known advantage of corrosion resistance, as described by GRANTHAM.

Allowable Subject Matter


9. Claim 18 is allowed.
10. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,511,471 to FOOTE, U.S. Patent No. 5,459,902 to HINO *et al.*, U.S. Patent No. 5,259,560 to DYER, U.S. Patent No. 4,368,627 to BODE *et al.*, U.S. Patent No. 4,226,641 to BODE *et al.*, U.S. Patent No. 4,226,598 to SCHIFFER, U.S. Patent No. 3,681,950 to FLEISSNER & U.S. Patent No. 3,646,785 to ARIOLI, each disclosing systems with counter rotating rollers for squeezing immersed work articles.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP